



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,419	08/31/2001	Keito Kondoh	62807-011	7823

7590 05/05/2005

MCDERMOTT, WILL & EMERY
600 13th Street, N. W.
Washington, DC 20005-3096

EXAMINER

AGGARWAL, YOGESH K

ART UNIT	PAPER NUMBER
----------	--------------

2615

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/943,419

Applicant(s)

KONDOH ET AL.

Examiner

Yogesh K. Aggarwal

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-6 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Arguments

1. Applicant's arguments with respect to claims 1, 3-6 and 16 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in view of Kondo et al. (US Patent # 5,093,716).

[Claim 1]

Applicant's admitted prior art teaches an image pickup apparatus (figure 1) comprising image pickup means for generating a plurality of screens associated with a subject, wherein the plurality of screens are adjacent temporally and in different exposure conditions, and said plurality of screens are synthesized to form a synthesized image (Paragraphs 10-12, figure 1).

Applicant's admitted prior art fails to teach a lens group drive means for driving a lens group to adjust focal point of said lens group, means for detecting focal voltages from said plurality of screens and storing said detected focal voltages, said focal voltages containing high-frequency components included in said plurality of screens and focal voltage selecting means for selectively outputting one of said stored focal voltages that is most suited to obtain a focus intended by the user on the basis of a predetermined selection criterion, wherein automatic

Art Unit: 2615

focusing is carried out in accordance with said focal voltage outputted from said focal voltage selecting means.

However Kondo et al. teaches two-exposure detection areas that respectively contain the foreground and background objects having different exposures and focus (col. 11 lines 22-29) and further comprising a lens group drive means (figure 2, lens 1) for driving a lens group to adjust focal point of the lens group (col. 4 lines 34-44). Kondo further teaches an auto-focus detector (figure 4a, element 21) comprising a focal voltage detecting and storing means (24) corresponding to an area from a plurality of screens (figures 11a and 11b) containing high frequency components and focal voltage selecting means (30) selectively outputting one of said stored focal voltages that is most suited to obtain a focus intended by the user on the basis of a predetermined selection criterion, wherein automatic focusing is carried out in accordance with said focal voltage outputted from said focal voltage selecting means (col. 6 line 40-col. 7 line 57, figures 4a, 11a and 11b) in order to provide an image pick up apparatus having auto-focusing, auto-exposure control systems of the accuracy and reliability of a digital arrangement.

Therefore taking the combined teachings of Applicant's admitted prior art and Kondo, it would have been obvious to one skilled in the art at the time of the invention to have been motivated to have a system comprising a lens group drive means for driving a lens group to adjust focal point of said lens group, means for detecting focal voltages from said plurality of screens and storing said detected focal voltages, said focal voltages containing high-frequency components included in said plurality of screens and focal voltage selecting means for selectively outputting one of said stored focal voltages that is most suited to obtain a focus intended by the user on the basis of a predetermined selection criterion, wherein automatic

Art Unit: 2615

focusing is carried out in accordance with said focal voltage outputted from said focal voltage selecting means as taught in Kondo to be incorporated into the Applicant's admitted prior art in order to provide an image pick up apparatus having auto-focusing, auto-exposure control systems of the accuracy and reliability of a digital arrangement which is relatively simple and compact for ready incorporation into a hand-held camera as taught in Kondo (col. 2 lines 11-18).

[Claim 3]

Kondo teaches that gate circuits 41A and 41B are used when the lens is relatively far from its focused position and 41C and 41D are used when the lens is proximate to its just focused position (col. 11 lines 29-33).

[Claim 4]

Kondo teaches that the luminance separator 32 operates by summing two digitized samples (read as magnitudes of luminance signal used to generate the focal voltages) produced by the A/D converter (col. 8 line 54-col. 9 line 5).

[Claim 5]

Kondo teaches that a discrete area is established by an auto-focus area setting circuit 24 which establishes the focus detection area in which intermediate and higher frequency components of the luminance signal are examined (col. 7 lines 2-14). Kondo also teaches that the luminance separator 32 converts the sampling frequency at which the digitized luminance components are produced (col. 9 lines 7-39).

[Claim 6]

Claim 6 recites what was discussed with respect to claims 4 and 5.

[Claim 16]

Art Unit: 2615

Kondo teaches that a lens section 1 adjusts its focus position based upon the output of optical detector 11 (figure 4a and 4b) comprising an AE and AF section (col. 5 lines 50-65).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K. Aggarwal whose telephone number is (571) 272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2615

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YKA

April 29, 2005


TUAN HO
PRIMARY EXAMINER